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Attorneys for Defendant
Medtronic, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY SPICER,

Plaintiff,

vs.

MEDTRONIC, INC., MEDTRONIC PS
MEDICAL, INC., and Does 1 to 50,

Defendants.

No.: 3:08-CV-02789-TEH

**STIPULATION AND ~~PROPOSED~~
ORDER RE EARLY NEUTRAL
EVALUATION**

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

Plaintiff Jeffrey Spicer and Defendant Medtronic, Inc., by and through their counsel of record, make the following stipulation and request relating to the timing of completion of Early Neutral Evaluation ("ENE").

As the parties informed the Court at the most recent Scheduling Conference on February 2, 2009, the parties were recently contacted by the ENE evaluator. As currently set, the ENE is required to be completed by February 24, 2009, but due to timing and efforts to engage in some additional informal discovery, the parties could not pick a date before the deadline as the parties' counsel informed the Court. The parties have met and conferred and have set the ENE for March 30, 2009. To be sure that the Court is informed, the parties have provided this stipulation and request an Order allowing the ENE completion to be extended until April 13, 2009.

IT IS SO STIPULATED.

DATED: February 19, 2009

By /s/ Thomas A. Cohen
Thomas A. Cohen
Attorney for Plaintiff Jeffrey Spicer

DATED: February 19, 2009

REED SMITH, LLP

By /s/ Dana A. Blanton
Ginger Heyman Pigott
Dana A. Blanton
Attorneys for Defendant
Medtronic, Inc.

IT IS SO ORDERED.

DATED: 02/23, 2009

United States



3:08-CV-02789-TEH

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